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Attorneys for Plaintiff,  
CLIFFORD COOK

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CLIFFORD COOK,

Plaintiff,

v.

CITY AND COUNTY OF SAN FRANCISCO,  
ANTONIO FLORES, DON SLOAN,  
MARSHA ASHE, and DOES 1-50, inclusive

Defendants.

Case No.: C 07-02569 CRB

**DECLARATION OF STEVE JOHNSON  
IN OPPOSITION TO DEFENDANTS'  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT**

**Date:** February 22, 2008

**Time:** 10:00a.m.

**Place:** Courtroom 8, 19<sup>th</sup> Fl.

I, Steve Johnson, declare as follows:

1. I was employed by the San Francisco Police Department for thirty years and retired in 2001 as a Commander. For eighteen years I have been a member of the Executive Board of the San Francisco Police Officers Association (POA). During that time I have also served as a Union Representative for our members. In that capacity I have acted as a police officer representative in hundreds, if not thousands, of cases involving alleged misconduct by POA members, including administrative and criminal matters.

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1           2.       On or about July 27, 2005, I was summoned to Room 400 at the Hall of Justice to  
2 act as a representative on behalf of Inspector Clifford Cook. When I arrived I spoke with  
3 Inspector Cook and Captain Kevin Cashman. Inspector Cook explained that he was being falsely  
4 accused of domestic violence regarding an incident that had occurred several days earlier. He  
5 wanted an opportunity to be interviewed so that he could provide exculpatory evidence. He said  
6 that he wanted to provide information so that he could avoid arrest.

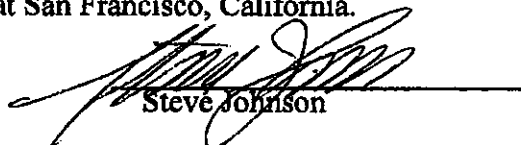
7  
8           3.       I requested that Captain Cashman contact Captain Ashe and Lt. Sloan on behalf of  
9 Inspector Cook and request that Inspector Cook be interviewed before making a final decision to  
10 arrest him. Capt. Cashman left the room and returned several minutes later. He informed us that  
11 they would not agree to interview Inspector Cook.

12           4.       This is the only time in my career that a police officer under investigation offered  
13 to be interviewed and the request was rejected. A basic tenant of police work is to interview  
14 suspects whenever possible, whether before or after an arrest. If arrested I knew that Inspector  
15 Cook would be represented by an attorney. I anticipated that his attorney would advise him not to  
16 talk to investigators.

17  
18           5.       I have been informed that Inspector Cook was arrested after the District Attorney's  
19 office reviewed the case and decided not to prosecute. I have not confirmed this report. If true,  
20 this would be the only time, to my knowledge, that a police officer was arrested after the District  
21 Attorney decided not to prosecute the case.

22  
23           6.       I also learned that Inspector Cook was suspended for sixty days soon after his  
24 arrest. This is the only time, in my experience, that a police officer was suspended (for more than  
25 ten days) before the officer had been criminally prosecuted or administrative charges had been  
26 filed with the Police Commission.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed this 1<sup>st</sup> day of February 2008, at San Francisco, California.

  
Steve Johnson